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TRANSMITTAL FORM (To be used for all correspondence after initial filing)		Application Number	09/744,506
		Filing Date	January 24, 2001
		First Named Inventor	Ghita LANZENDORFER et al
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	Beiersdorf 704-HCL

ENCLOSURES (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Howard C. Lee NORRIS McLAUGHLIN & MARCUS, P.A.
Signature	Howard C. Lee Reg. No. 48,104-P
Date	May 31, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: May 31, 2001

Typed or printed name	Howard C. Lee		
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : GHITA LANZENDORFER, ET AL
SERIAL NO. : 09/744,506
FILED : January 24, 2001
FOR : COSMETIC AND DERMATOLOGICAL PREPARATIONS HAVING
AN EFFECTIVE CONTENT OF BILE ACIDS, THEIR SALTS AND/OR
THEIR DERIVATIVES
ART UNIT : To Be Assigned
EXAMINER : To Be Assigned

7
7/10/01
M.J.

May 31, 2000

Hon. Commissioner of Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

I. Timeliness, Fees and Certifications in lieu of Fees

- ☒ A. This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not

require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

- ☐ B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under 37 CFR § 1.97(e):
 - ☐ 1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.
 - ☐ 2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
 - ☐ 3. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.
- ☐ C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR §

1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

- ☐ 1. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ 2. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

II. Copies of Listed References

- ☒ A. Copies of all references listed on the attached Form PTO-1449 are being supplied.
- ☐ B. Copies of all references listed on the attached Form PTO-1449 have already been supplied during the prosecution of prior application Serial No. ____, filed ____, from which the present application claims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR § 1.98(d), copies of the references listed on the

attached Form PTO-1449 are not now being supplied.

- ☐ C. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and PCT/DO/EO/903 indicates that both the international search report and the copies of the references listed on the attached Form PTO-1449 are in this national stage file. Therefore, copies of the references listed on the attached Form PTO-1449 are not now being supplied.

III. Concise Statement of Relevance

- ☐ A. All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.
- ☒ B. A concise statement of the relevance of all references listed on the attached Form PTO-1449 that are *not in the English language*, is being provided on a separate sheet.
- ☐ C. All references listed on the attached Form PTO-1449 were cited in the search report issued by the _____ Patent Office, and an English-language version of that search report, which indicates the degree of relevance found by that Patent Office, is attached.
- ☐ D. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and a copy of that search report, which indicates the degree of relevance found by the International Search Authority, is attached.

- ☐ E. All listed on the attached Form PTO 1449 were cited during the prosecution of the prior application indicated above under II.B.

IV. Additional Information

- ☐ A. In addition to the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the following abandoned or co-pending U.S. patent applications:

[Pursuant to 37 CFR § 1.98(a)(2)(iii), copies of these applications are not being submitted.]

- ☐ B. In addition of the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the information provided on the attached sheet.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By Howard C. Lee
Howard C. Lee
Reg. No. 48,104 P

HCL:ja

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New York, New York 10017
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Concise Statement of Relevance of Non-English References:

For the Examiner's information:

the designation "A" means the reference is cited as technological background;

the designation "D" means the reference is cited in the application;

the designation "E" means the reference is an earlier patent document, but published on, or after the filing date;

the designation "L" means the document was cited for other reasons.

the designation "O" means non-written disclosure;

the designation "P" means intermediate document;

the designation "T" means the reference relates to the theory or principle underlying the invention;

the designation "X" on the search report means the reference is particularly relevant if taken alone; and

the designation "Y" means the reference is particularly relevant if combined with another document of the same category.

EP 0 439 042 A1 (X reference for original claims 1-3 and 7)

Discloses preparations which contain a bile acid salt, a lipid and a pharmaceutical or cosmetic agent. Examples of bile acids used include glycocholic acid ("glycocholsäure") - see examples ("Beispiel") 3-8 and 10. Examples 9 and 11 use sodium glycocholate ("Na-Glycocholat").

FR 2,551,991 (X reference for original claims 1-4)

Discloses aqueous emulsions of essential oils and/or liposoluble materials in water or a hydroalcoholic medium containing from 2 to 100 g/L of said essential oil and/or liposoluble materials. The emulsions contain biliary salts which act as an emulsifying agent.

Examples of biliary acids include cholic acid, glycocholic acid, taurocholic acid and desocycholic acid (see page 2, lines 6-8). Examples ("Exemple") 1 and 2 both use biliary salts ("sels biliars")

FR 2,751,534 (X reference for original claims 1-4)

Discloses compositions which improve buccal hygiene which contain urso-desoxy cholic acid ("acide ursodésoxycholique") and/or cheno-desoxy cholic acid ("acide chénodésoxycholique").

Claim ("Revendications") 2 states that the content of the cholic acid(s) can be 0.02 to 1.0% by weight based on the total weight of the composition ("0,02 à 1,0% en poids par rapport au poids total de la composition").

DE 195 22 694 A (X reference for original claims 1-4)

Discloses finely dispersed cosmetic and pharmaceutical compositions which contain at least one tar derivative. These compositions have less side effects than conventional preparation and contain 20 to 200 times less tar.

Composition can also contain bile acids ("Die Gallensäure") which include sodium ("Natrium") salts thereof such as those of cholate, desoxycholate, glycocholate, taurourscholate, chenoxycholate (see col. 2, lines 22-32). Bile acid concentration are 0.01 to 9 mg/mL, preferably 0.18 to 3.6 mg/mL (see col. 3, lines 32-34).

FR 2,375,859 (X reference for original claims 1-4)

U.S. Patent 4,185,099 is recognized as the English language equivalent of this patent, a copy of which has been provided for the examiner.



LANZENDÖRFER ET AL.
USSN 09/744,506

CERTIFICATE OF MAILING

I hereby certify that the foregoing Information Disclosure Statement and the accompanying Concise Statement of Relevance of Non-English References, Form PTO-1449 (1 Sheet), European Search Report, and 11 references are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: May 31, 2001

By Howard C. Lee
Howard C. Lee